

## COMBINED DECLARATION FOR PATENT APPLICATION &amp; POWER OF ATTORNEY

DOCKET NO.: 264070-2

As a below named inventor, I hereby declare that:

The information given herein is true:

My residence, post office address and citizenship are as stated below next to my name:

I BELIEVE I AM THE ORIGINAL, FIRST AND SOLE INVENTOR (if only one name is listed below) OR AN ORIGINAL, FIRST AND JOINT INVENTOR (if plural names are listed below) OF THE SUBJECT MATTER WHICH IS CLAIMED AND FOR WHICH A PATENT IS SOUGHT ON THE INVENTION ENTITLED:

## TARGETED MARKETING SYSTEM AND METHOD

(the specification of which (check only one item below):

- ☒ is attached hereto;
- ☐ was filed on \_\_\_\_\_ as United States  
Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_ (if applicable).
- ☐ was filed on \_\_\_\_\_ as PCT International  
Application Serial No. \_\_\_\_\_  
and was amended under PCT Article 19 \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the content of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations Section 1.56(a).

I hereby claim the benefit under Title 35, United States, §119(e) of any United States provisional application(s) listed below.

\_\_\_\_\_  
(Application Number)

\_\_\_\_\_  
(Filing Date)

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America having a filing date before that of the application(s) on which priority is claimed.

FOREIGN APPLICATION(S), IF ANY, FILED WITHIN 12 (6 if a Design) MONTHS PRIOR TO THE FILING DATE OF THIS APPLICATION  
THE PRIORITY OF WHICH WHERE PERMITTED IS HEREBY CLAIMED UNDER 35 U.S.C. SEC. 119.

| COUNTRY | APPLICATION OF NUMBER | DATE OF FILING<br>(day, month, year) | DATE OF ISSUE<br>(day, month, year) | PRIORITY CLAIMED             |                             |
|---------|-----------------------|--------------------------------------|-------------------------------------|------------------------------|-----------------------------|
|         |                       |                                      |                                     | <input type="checkbox"/> yes | <input type="checkbox"/> no |
|         |                       |                                      |                                     | <input type="checkbox"/> yes | <input type="checkbox"/> no |
|         |                       |                                      |                                     | <input type="checkbox"/> yes | <input type="checkbox"/> no |

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT International filing date of this application.

| COMBINED DECLARATION FOR PATENT APPLICATION & POWER OF ATTORNEY - Continued  |                         |                         |   |                         | DOCKET NO: 704880-2  |                        |
|--|-------------------------|-------------------------|---|-------------------------|--|------------------------|
| U.S. APPLICATION NO.   |                         | U.S. FILING DATE        |   | PATENTED                | PENDING  | ABANDONED              |
|  |                         |                         |   |                         |  |                        |
| PCT APPLICATIONS DESIGNATING THE U.S.  |                         |                         |   |                         |  |                        |
| PCT APPLICATION NO.  |                         | PCT FILING DATE         |   | U.S. SERIAL NUMBERS     |  |                        |
|  |                         |                         |   |                         |  |                        |
| POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or Agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.<br>Brian M. Bertner Reg. No. 34,848; Jonathan A. Jaech, Reg. No. 41,091; Dennis R. Gallagher, Reg. No. 42,563; Amar L. Thakur, Reg. No. 43,860; Jimmy M. Shin, Reg. No. 48,103, of O'MELVENY & MYERS LLP, 400 South Hope Street, Los Angeles, California 90071-2899                           |                         |                         |   |                         |  |                        |
| Send correspondence to   |                         |                         | O'MELVENY & MYERS LLP<br>400 South Hope St.<br>Los Angeles, CA 90071-2899 |                         | Direct Phone Calls To:<br>Brian M. Bertner<br>213-430-6000 |                        |
| 1  | FULL NAME OF INVENTOR   | LAST NAME               |   | FIRST NAME              |  | MIDDLE NAME            |
|  |                         | SMITH                   |   | Linda                   |  | M.                     |
|  | RESIDENCE & CITIZENSHIP | CITY                    |   | STATE                   |  | COUNTRY OF CITIZENSHIP |
|  |                         | Woodland Hills          |   | CA                      |  | U.S.A.                 |
| 2  | POST OFFICE ADDRESS     | STREET                  |   | CITY                    |  | STATE                  |
|  |                         | 4603 Desert Drive       |   | Woodland Hills          |  | CA                     |
|  |                         |                         |   |                         |  | ZIP CODE               |
|  |                         |                         |   |                         |  | 91364                  |
| 3  | FULL NAME OF INVENTOR   | LAST NAME               |   | FIRST NAME              |  | MIDDLE NAME            |
|  |                         | LU                      |   | Darren                  |  | D.                     |
|  | RESIDENCE & CITIZENSHIP | CITY                    |   | STATE                   |  | COUNTRY OF CITIZENSHIP |
|  |                         | Irvine                  |   | CA                      |  | U.S.A.                 |
|  | POST OFFICE ADDRESS     | STREET                  |   | CITY                    |  | STATE                  |
|  |                         | 1 Acropolis Alele       |   | Irvine                  |  | CA                     |
|  |                         |                         |   |                         |  | ZIP CODE               |
|  |                         |                         |   |                         |  | 92614                  |
| I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon. |                         |                         |   |                         |  |                        |
| SIGNATURE OF INVENTOR 1  |                         | SIGNATURE OF INVENTOR 2 |   | SIGNATURE OF INVENTOR 3 |  |                        |
| Linda M. Smith   |                         | Darren Lu               |   |                         |  |                        |
| DATE 8/17/00   |                         | DATE 8/17/00            |   | DATE                    |  |                        |

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**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 C.F.R. 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERN**

**PATENT  
DOCKET NO: 254070-2**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Linda M. Smith, Darren D. Lu

Serial No.:

Filed:

Title: TARGETED MARKETING SYSTEM AND METHOD

I hereby declare that I am

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: FACECAKE.COM, INC.

Address of Small Business Concern: 4803 Desert Drive  
Woodland Hills, CA 91364

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18 and reproduced in 37 CFR 1.9(d) for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, to the United States Patent and Trademark Office. In that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year; and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to, and remain with, the small business concern identified above with regard to the invention described in:

☒ the specification filed herewith with title as listed above.

☐ the application identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c). If that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR (1.9(d), or a non-profit organization under 37 CFR(1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

☒ No such person, concern or organization exists.

☐ Each such person, concern or organization is listed below.

Full Name:

Address:

☐ Individual

☐ Small Business Concern

☐ Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon or any patent to which this verified statement is directed.

Dated: 8/17/00

By: Linda M. Smith

Name: LINDA M. SMITH

Title: CEO

Address: 4803 Desert Drive, Woodland Hills, CA 91364

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